

**In the High Court of Punjab and Haryana at Chandigarh**

**Civil Revision No. 1320 of 2014  
Date of Decision: 30.4.2015.**

Haryana Wakf Board

.....Petitioner

Versus

Kanchan and others

.....Respondents

**CORAM: HON'BLE MRS. JUSTICE SABINA**

Present: Mr. Deepak Sabherwal, Advocate  
for the petitioner.

Mr. N.K.Panwar, Advocate  
for the respondents.

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**SABINA, J.**

Petitioner has filed this petition under Article 227 of Constitution of India challenging the order dated 30.1.2014 whereby application moved by the petitioner under Order 6 Rule 17 of the Code of Civil Procedure, 1908 ('CPC' for short), was dismissed.

Learned counsel for the petitioner has submitted that due to inadvertence, the area of the disputed property had been mentioned as 9 *kanals* 7 *marlas* whereas the land in dispute measured 9 *bighas* 16 *biswas*. Petitioner wanted to amend the plaint only in this regard and will not lead any evidence after the amendment of the plaint is allowed.

Learned counsel for the respondent has submitted that in case the petitioner will not lead any further evidence after amendment, the respondents have no objection to the application

filed by the petitioner for amendment of the plaint.

Petitioner has filed suit for possession of the property in question. A perusal of Annexure P-1 that area of the land was mentioned as 9 *kanals* 7 *marlas*. Now by way of amendment, petitioner wants to clarify that in fact, the suit land measures 9 *bighas* 16 *biswas*.

Learned counsel for the petitioner has submitted that the petitioner will not lead any evidence after the amendment of the plaint as the evidence has already been led by both the parties.

The said submission made by learned counsel for the petitioner, is acceptable to the respondent as the same was accepted before the Trial Court also as is evident from the impugned order itself.

Accordingly, this petition is allowed. Impugned order dated 30.1.2014 is set aside. Consequently, application moved by the petitioner under Order 6 Rule 17 CPC Annexure P-3, is allowed.

However, it is clarified that petitioner would not be entitled to lead any further evidence after the amendment.

**(SABINA)  
JUDGE**

**April 30, 2015**  
**Gurpreet**